D.B. CIVIL SPECIAL APPEAL(W)NO.1391/2006

Kailash Chandra Sharma
Vs.
The Manging Director, Jaipur Zila Dugdh Utpadak Sahakari Sangh Ltd., Jaipur & Anr.

DATE OF ORDER :: 04-04-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri G.P.Sharma, for the appellant.

By the order impugned in this appeal which is an interim order, the learned Single Judge declined to stay recovery of alleged excess amount paid to the appellant. The amount appears to have been paid on account of wrong fixation. There may be substance in the contention of the appellant that the payment was not due to any misrepresentation or fraud on the part of the appellant, but at the same time, if there was mistake in fixing of pay etc., the authorities are entitled to correct the mistake. We say nothing more at this stage, for, the writ petition is still pending and the issues are to be decided by the Single Judge. The claim of the appellant being monetary in nature, it goes without saying, in the event of success, he can be suitably compensated.

We find no ground to interfere with the order at this stage.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen